



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

Promoting the wise use of land

**Tentative Notice of Action**

<b>MEETING DATE</b> August 7, 2015 <b>LOCAL EFFECTIVE DATE</b> August 21, 2015 <b>APPROX FINAL EFFECTIVE DATE</b> September 11, 2015	<b>CONTACT/PHONE</b> Cody Scheel, Project Planner (805) 781-5157 cscheel@co.slo.ca.us	<b>APPLICANT</b> Elaine Carovilla	<b>FILE NO.</b> DRC2014-00128
<b>SUBJECT</b> Hearing to consider a request by <b>ELAINE CAROVILLA</b> for a Minor Use Permit / Coastal Development Permit (DRC2014-00128) to allow an existing single family residence to be used as a residential vacation rental. The proposed project is within the Residential Multi-Family land use category and is located at 1832 Strand Way, approximately 1,600 feet south of Pier Avenue, in the community of Oceano. The site is in the South County-San Luis Bay subarea (coastal) planning area.			
<b>RECOMMENDED ACTION</b> Approve Minor Use Permit / Coastal Development Permit DRC2014-00128 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
<b>ENVIRONMENTAL DETERMINATION</b> A Class 1 Categorical Exemption was issued on July 8, 2015 (ED15-007).			
<b>LAND USE CATEGORY</b> Residential Multi-Family	<b>COMBINING DESIGNATION</b> Local Coastal Program Area, Coastal Appealable Zone, Small Scale Neighborhood, Archaeological Study Area, Airport Review Area	<b>ASSESSOR PARCEL NUMBER</b> 061-072-030	<b>SUPERVISOR DISTRICT(S)</b> 4
<b>PLANNING AREA STANDARDS:</b> Airport Review Area & Small Scale Neighborhood <i>Does the project meet applicable Planning Area Standards: Yes – see discussion</i>			
<b>LAND USE ORDINANCE STANDARDS:</b> Local Coastal Program Area & Appeals to the Coastal Commission <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
<b>FINAL ACTION</b> This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant to Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing.  The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any land use permits prior to the end of the Coastal Commission process.			
<b>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT:</b> COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

EXISTING USES: Single Family Residence	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Multi-Family / Residences <i>South:</i> Residential Multi-Family / Residences <i>East:</i> Residential Multi-Family / Residences <i>West:</i> Recreation / Oceano Beach	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Coastal Commission & Oceano Advisory Council	
TOPOGRAPHY: Nearly level	VEGETATION: Ornamental landscaping
PROPOSED SERVICES: Water supply: Community system / Oceano CSD Sewage Disposal: Community system / Oceano CSD Fire Protection: Five Cities Fire Authority	ACCEPTANCE DATE: May 26, 2015

## DISCUSSION

The applicant is proposing to use an existing 1,747 square foot single family residence as a residential vacation rental. The residence consists of three bedrooms, three bathrooms and a two car garage. The proposed residential vacation rental is not to operate differently than a full time occupied single family residence; therefore conditions for operational standards have been added to this permit. Because these standards set parking requirements, limit the number of occupants and designate a 24-hour property manager contact, potential impacts can be avoided.

### PLANNING AREA STANDARDS:

#### **Airport Review Area**

Limitation on uses within Airport Review Area: Allowable uses are limited to those designated as "compatible" or "conditionally approvable" by the adopted Oceano County Airport Land Use Plan (ALUP).

*Staff Comments: The proposed project complies with the Airport Review Area standards because it is not a change of use to the existing residence and existing uses are not subject to review under the ALUP.*

#### **Small Scale Neighborhood**

As defined by section 23.11.30, "Small Scale Neighborhoods" are "neighborhoods that have a primary use by residents and a secondary use by the general public using access ways to scenic shoreline areas". In Oceano the Small Scale Neighborhood designation includes: Residential Single-Family and Multi-Family categories west of Highway One. This designation is to ensure that new development is compatible with the small scale neighborhood uses.

*Staff Comments: This project proposes to use an existing residence as a residential vacation rental for visitor serving use. The project does not propose any new development, and is therefore consistent with the intent of this combining designation.*

LAND USE ORDINANCE STANDARDS:

**Section 23.01.043c(1) – Appeals to the Coastal Commission:**

**Appealable Development.** As set forth in the Public Resources Code Section 30603(a), and this title, an action by the County on a permit application, including any Variance, Exception or Adjustment granted, for any of the following project may be appealed to the California Coastal Commission:

1. Developments approved between the sea and the first public road paralleling the sea, or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach.

*Staff Comments: The project is appealable to the Coastal Commission because the project is considered development between the sea and the first public road according to the official Local Coastal Program Permit and Appeal Jurisdiction map.*

**Combining Designations**

**Section 23.07.120 – Local Coastal Program Area:** The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Program.

**Section 23.07.104 Archeologically Sensitive Area:** The proposed project falls within the Archeologically Sensitive designation as delineated by the official maps of the Land Use Element. Before issuance of a land use or construction permit for development within an archaeologically sensitive area, a preliminary site survey shall be required.

*Staff Comments: A preliminary site survey is not required because there will be no new construction or development.*

**Special Uses**

**Residential Vacation Rentals**

Coastal Zone Land Use Ordinance section 23.08.165 governs the establishment of residential vacation rentals in the coastal zone. However, the standards set forth in this section only apply to the urban areas of Cambria, Cayucos and Avila Beach.

*Staff Comments: The proposed project is located in the Community of Oceano and therefore the Residential Vacation Rental Ordinance standards do not apply. While those standards only apply to Zoning Clearances issued in Cambria, Cayucos and Avila Beach, they can be added to a discretionary permit if appropriate. The proposed residential vacation rental is not to operate differently than a full time occupied single family residence; therefore conditions for residential vacation rental operational standards have been added to this permit. Because these standards set parking requirements, limit the number of occupants and designate a 24-hour property manager contact, potential impacts to surrounding property owners can be avoided. The proposed conditions of approval have routinely been added to other minor use permits for establishment of residential vacation rentals.*

**COASTAL PLAN POLICIES:**

Following is a brief list of the Coastal Plan Policies (discussion of specific applicable policies following):

Shoreline Access: N/A

Recreation and Visitor Serving: ☒ Policy No(s): 1 & 2

Energy and Industrial Development: N/A

Commercial Fishing, Recreational Boating and Port Facilities: N/A

Environmentally Sensitive Habitats: N/A

Agriculture: N/A

Public Works: ☒ Policy No(s): 1 & 7

Coastal Watersheds: N/A

Visual and Scenic Resources: N/A

Hazards: N/A

Archeology: N/A

Air Quality: N/A

***Does the project meet applicable Coastal Plan Policies:*** Yes, as conditioned

**COASTAL PLAN POLICY DISCUSSION:**

**Recreation and Visitor Serving Facilities**

The Coastal Plan policies for Recreation and Visitor serving uses are focused primarily on commercial recreational uses and commercial lodging facilities such as hotels, motels, bed and breakfast establishments and recreational vehicle parks. These are all classified as transient lodging in Coastal Zone Framework for Planning, Table "O". Residential Vacation Rentals are single family residences by design (or occasionally multi-family residences) and are listed in the Residential use group in Table "O". Although they do serve visitors they are sometimes rented by the month or not rented at all subject to the desire of the property owner. While Coastal Plan Policies generally encourage visitor serving facilities in certain circumstances, residential vacation rentals are not discussed.

***Policy 1:*** Recreation Opportunities: Coastal recreational and visitor-serving facilities, especially lower-cost facilities, shall be protected, encouraged and where feasible provided by both public and private means.

*Staff Comments: The proposed project supports this policy by creating visitor serving lodging opportunities within an existing single family residence. The existing residence is within close proximity to many recreational opportunities in the community of Oceano. The existing residence is within walking and biking distance to the beach, Oceano Memorial Park, Pismo Dunes Natural Preserve, and other facilities for recreational uses. This project is consistent with this policy.*

***Policy 2:*** Priority for Visitor Serving Facilities: Recreational development and commercial visitor-serving facilities shall have priority over non-coastal dependent use, but not over agriculture or coastal dependent industry in accordance with PRC 30222. All uses shall be consistent with protection of significant coastal resources. The Land Use Plan shall incorporate provisions for areas appropriate for visitor-serving

facilities that are adequate for foreseeable demand. Visitor-serving commercial developments that involve construction of major facilities should generally be located within urban areas. Provisions for new facilities or expansion of existing facilities within rural areas shall be confined to selected points of attraction.

*Staff Comments: This project complies with this policy as it creates visitor lodging opportunities within the urban area of Oceano and recognizes statewide priority to protect and enhance public opportunities for coastal recreation.*

**Public Works:**

**Policy 1:** Availability of Service Capacity: New development shall demonstrate that adequate public or private service capacities are available to serve the proposed development.

*Staff Comments: The project is consistent with this policy because the existing residence currently has water and sewer service from the Oceano Community Services District.*

**Policy 7:** Permit requirements: A permit is required for projects within the coastal zone.

*Staff Comments: The applicant is requesting approval of a Minor Use Permit / Coastal Development Permit, consistent with the requirements of this policy.*

**COMMUNITY ADVISORY GROUP COMMENTS:**

The Oceano Advisory Council has repeatedly expressed concerns about traffic, parking too many vehicles, conversion of garages to bedrooms or group rooms, and occupancy limits.

*Staff Comments: Conditions for residential vacation rental operational standards have been added to this permit to address the Community Advisory comments. Such conditions include a local property manager or contact person be available 24 hours a day to respond to tenant and neighborhood questions or concerns, and the proposed residential vacation rental is also conditioned to comply with the standards of Section 23.06.040 et seq. (Noise Standards). No residential vacation rental is to involve on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise, dust, odor or vibration detrimental to occupants of adjoining dwellings. The property owners and/or property managers shall ensure that the occupants of the residential vacation rental do not create loud or unreasonable noise that disturbs others and is not in keeping with the character of the surrounding neighborhood. Loud and unreasonable noise shall be evaluated through field observations by a County Sheriff, County Code Enforcement or other official personnel, based upon a threshold of noise disturbance related to the residential vacation rental use that is audible from a distance of 50 feet from the property lines of the rental property. There is also a condition that all parking associated with the residential vacation rental shall be entirely on-site, in a garage, driveway or otherwise out of the roadway, and the tenants of the vacation rental shall not use on-street parking at any time. The maximum number of occupants allowed in the proposed residential vacation rental shall not exceed the number of occupants that can be accommodated consistent with the onsite parking requirement, and shall not exceed two persons per bedroom plus two additional persons, or eight persons total. The existing*

*residence is currently permitted as a three bedroom residence, and is not permitted to convert the garage into a bedroom or a group room. Penalties for violation of the conditions of approval may include revocation of the Minor Use Permit, Zoning Clearance and/or Business License.*

AGENCY REVIEW:

Public Works – No comments received.

LEGAL LOT STATUS:

The existing lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff Report prepared by Cody Scheel and reviewed by Terry Wahler.